

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LARISSA BATES, on behalf of herself, all
others similarly situated, and the general
public,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. 1:23-cv-387-TJM/CFH

**DEFENDANT ABBOTT
LABORATORIES' NOTICE OF
MOTION TO DISMISS PLAINTIFF
LARISSA BATES'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6),
9(b), AND 12(b)(1)**

PLEASE TAKE NOTICE that Defendant Abbott Laboratories ("Abbott"), by and through its attorneys, respectfully moves the Court to dismiss Plaintiff Larissa Bates's complaint pursuant to Federal Rules of Civil Procedure 12(b)(6), 9(b), and 12(b)(1). The grounds for this motion are this notice of motion, the accompanying memorandum of points and authorities, the declaration of Michael A. Glick and exhibits annexed thereto, and any other evidence and argument that may be presented prior to the Court's decision on this motion.

Dated: June 5, 2023

Respectfully submitted,

/s/ Michael A. Glick

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of June 2023, a true and correct copy of the foregoing document was served upon all counsel of record.

/s/ Michael A. Glick

Michael A. Glick